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20 WELLS FARGO BANK, N.A. (sued as "Wells Fargo Bank")

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATRICK PIERCE,

Plaintiff,

v.

WELLS FARGO BANK, and Does 1-10,
inclusive,

Defendant.

Case No. CV 08 1554 JF

**STIPULATION AND [PROPOSED]
ORDER VACATING THE JUNE 12,
2008 ORDER REFERRING THE
PARTIES TO MEDIATION**

1 1. On June 10, 2008, Plaintiff Patrick Pierce (“Plaintiff”) and Defendant Wells Fargo
2 Bank, N.A. (“Defendant”) filed a Stipulation and Proposed Order in which they agreed to
3 participate in mediation within 120 days of the courts ruling on Plaintiff’s Motion to Remand and
4 Defendant’s Motion to Dismiss (the “Stipulation”).

5 2. Pursuant to the Stipulation, this Court referred the parties to mediation and set the
6 deadline for that mediation 120 days after ruling on Defendant’s Motion to Dismiss and
7 Plaintiff’s Motion to Remand on June 12, 2008 (the “Stipulation and Order”).

8 3. On July 18, 2008, this Court issued an order denying Plaintiff’s Motion to
9 Remand, granting Defendants’ Motion to Dismiss with leave to amend, and referring the parties
10 to Magistrate Judge Lloyd for a judicial settlement conference (the “July 18, 2008 Order”).

11 4. Pursuant to the July 18, 2008 Order, the parties have scheduled a settlement
12 conference with Magistrate Judge Lloyd for October 17, 2008 at 9:30 a.m. in Courtroom 2,
13 United States Courthouse, 280 South First Street, San Jose, California.

14 5. In light of the scheduled judicial settlement conference, the parties agree that the
15 Stipulation and Order, referenced above in paragraph 2, should be vacated.

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1 THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their
2 respective counsel, that the Court may vacate the Stipulation and Order, referenced above in
3 paragraph 2.

4 Dated: September 24, 2008

5 PATRICIA K. GILLETTE
6 ANDREW R. LIVINGSTON
7 JOSEPH C. LIBURT
8 GREG J. RICHARDSON
9 MONIQUE FUENTES
10 Orrick, Herrington & Sutcliffe LLP

11 Dated: September 24, 2008

12 /s/
13 Monique Fuentes
14 Attorneys for Defendant
15 WELLS FARGO BANK, N.A.
16 STUART C. CLARK
17 Carr and Ferrell LLP

18 /s/
19 STUART C. CLARK
20 Attorneys for Plaintiff
21 PATRICK PIERCE

22 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
23 “conformed” signature (/s/) within this e-filed document.

24 /s/
25 Monique Fuentes
26 Attorneys for Defendant
27 WELLS FARGO BANK, N.A.

28 PURSUANT TO STIPULATION, IT IS SO ORDERED.

29 Dated: 9/26/08

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31 The Honorable Jeremy Fogel
32 United States District Court Judge